

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA )  
                                )  
                                )  
v.                            )       No.: 2:08-CR-38  
                            )       JUDGE JORDAN  
ROBERT MARK MCPHERSON    )

**SENTENCING MEMORANDUM**

COMES NOW the United States of America, by and through James R. Dedrick, United States Attorney for the Eastern District of Tennessee, and files this sentencing memorandum in compliance with the Court's Order.

The statutory provisions for the lesser included offense related to Count 1 of the sentencing offense is a minimum mandatory term of imprisonment of 60 months. The Presentence Report prepared by U.S. Probation establishes the advisory guideline range to be an offense level of 25 with a criminal history category of II, or 63 to 78 months. The United States believes that the range of 63 to 78 months, adequately considers the sentencing factors enumerated in 18 U.S.C. §3553(a).

The United States has determined that the defendant has not provided substantial assistance and therefore no motion for downward departure will be filed.

The United States submits that a sentence within the advisory guideline range of 63 to 78 months is appropriate.

Respectfully submitted this the 11<sup>th</sup> day of December, 2009.

JAMES R. DEDRICK  
UNITED STATES ATTORNEY

By: s/ Caryn L. Hebets.  
CARYN L. HEBETS  
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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2009, the foregoing was filed electronically. Notice of this filing was sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. Counsel not indicated on the court's EFS will be served by regular U.S. Mail, postage prepaid.

s/ Caryn L. Hebets  
Assistant U.S. Attorney